

REMARKS

Claims 1-9 are pending in this Application. Claims 1-9 were rejected by the Examiner. The Examiner objected to claims 1 and 7 due to informalities. The Applicant has canceled claims 7-9 without prejudice and reserves the right to prosecute the canceled claims in a continuation application, divisional application, or other filing. The Applicant has amended claim 1 in accordance with the Examiner's requirements as well as to more particularly and distinctly point out the subject matter that the Applicant regards as the invention. All claim amendments are fully supported by the specification. No new matter has been added.

35 U.S.C. §112

The Examiner rejected claims 7-9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Applicant has canceled claims 7-9 and reserves the rights to prosecute canceled claims 7-9 in a continuation application, divisional application, or other filing. Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. §112 rejection.

35 U.S.C. §103(a)

Claims 1, 2, and 4-6

The Examiner rejected claims 1 and 7 under 35 U.S.C. §103(a) as being unpatentable over Schramm et al. (U.S. Ref. No. 6,208,663) in view of Dirschedl et al. (U.S. Ref. No. 6,262,994).

The Schramm reference discloses a method and system for block ARQ whereby when connection quality drops below an acceptable threshold, ARQ techniques use an alternative modulation/coding scheme.

The Dirschedl reference discloses an arrangement for optimization of data transmission via a bi-directional radio channel. Respective types of modulation can be selected at a transmitter side, with a code rate of forward error correction (FEC) and power of transmitter devices provided at a reception side.

Among other deficiencies in the Schramm and Dirschedl references, there is no teaching, suggestion, or motivation to store the packets for retransmission in a buffer memory incorporated into a transmitter, limit the number of retransmissions to an operator-defined integer value, and clear the buffer memory after the integer value is reached. Nor is there any teaching, suggestion, or motivation in the same references to append error check sequences, and retransmit an original or selectively modified packet that may be combined with an originally transmitted packet.

The Applicant's claimed invention as claimed in amended independent claim 1, on the other hand, recites:

A method for adjusting data modulation at a subscriber unit, comprising:

- receiving data at a transmitter for transmission;
- formatting the received data into packets for transmission, the packets being smaller in size than the data blocks, and each packet having a particular type of encoding/data modulation;
- appending an error check sequence for each packet;
- transmitting the packets;
- storing the packets for retransmission in a buffer memory incorporated into the transmitter;
- monitoring a return channel for receipt of an acknowledgment for each packet that that packet has been received;
- limiting the number of retransmissions to an operator-defined integer value;
- clearing the buffer memory after the integer value is reached;
- retransmitting an original or selectively modified packet at the transmitter, if an acknowledgment for that packet has not been received within a predetermined period of time;
- collecting retransmission statistics;
- adjusting each particular encoding/data modulation using the collected retransmission statistics; wherein if the collected retransmission statistics indicate a low number of retransmissions, a

higher capacity encoding/data modulation scheme is selected as the particular encoding/data modulation and if the collected retransmission statistics indicate a high number of retransmissions, a lower capacity encoding/data modulation scheme is selected as the particular encoding/data modulation; and
combining the retransmitted original or selectively modified packet with the transmitted packets.

which is not disclosed, taught, or suggested anywhere in the Schramm or Dirschedl references. Accordingly, the Applicant's amended independent claim 1 is patentable over the Schramm and Dirschedl references whether taken alone or in combination with one another.

Claims 2 and 4-6 depend from patentable amended independent claim 1 and are therefore patentable for at least the same reasons as patentable amended independent claim 1.

Claim 3

The Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Schramm in view of Dirschedl as applied to claim 2, and further in view of Barton et al. (U.S. Ref. No. 6,449,246).

As described above, there is no teaching, suggestion, or motivation to store the packets for retransmission in a buffer memory incorporated into a transmitter, limit the number of retransmissions to an operator-defined integer value, and clear the buffer memory after the integer value is reached. Nor is there any teaching, suggestion, or motivation in the same references to append error check sequences,

and retransmit an original or selectively modified packet that may be combined with an originally transmitted packet. Furthermore, the Barton reference fails to cure these deficiencies.

Accordingly, the Applicant's amended independent claim 1 is patentable over the Schramm, Dirschedl and Barton references, whether taken alone or in any combination with one another.

Since claim 3 indirectly depends from the Applicant's patentable amended independent claim 1, it is therefore patentable for at least the same reasons as patentable amended independent claim 1.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the Applicant's undersigned attorney by telephone at the Examiner's convenience.

In view of the foregoing remarks and amendments, the Applicant respectfully submits that the present application, including claims 1-6, is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

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